

REMARKS

In the first Office Action mailed December 7, 2004 the Examiner rejected claims 1, 3-7, 9-11 and 13-16 under 35 USC 102(b) as being anticipated by Hirata (US 5,210,600), rejected claims 2 and 8 under 35 USC 103(a) as being obvious over Hirata as applied to claims 1 and 7 and in view of Usami (US 5,489,997), and rejected claim 12 under 35 USC 103(a) as being obvious over Hirata as applied to claim 9 and in view of Kida (US 6,049,392). Also, claims 2 and 8 were rejected under 35 USC 112, second paragraph, for inclusion of the term "approximately".

The drawings have been accepted.

By this Amendment, the specification is corrected to remove a typing error, claims 2 and 8 are amended to obviate their rejection under 35 USC 112, claims 9-13, 15 and 16 are cancelled, claims 7 and 14 are amended in view of the rejection under 35 USC 102, and new claims 17 and 18 are added.

Hirata (US 5,210,600) does not anticipate the claimed invention.

Original Claim 1

In Hirata there is no description of how the negative/positive determination of the film is made. All that is stated is that "the negative/positive judgement process is first performed" as a method step. See col. 10, lines 31-34, and col.10, 67-col. 11, line 7. How the negative/positive determination is made is not within the disclosure of Hirata. If the Examiner disagrees, she is requested to specifically identify what she believes is a description to the contrary in Hirata.

Moreover, it is clear that the negative/positive determination in Hirata is not made based on a comparison of a color density of at least one location of the film to a standard range including an orange bias as in original claim 1. Thus, original claim 1 should be allowed.

Original Claim 5

FIG. 3(a) referred to by the Examiner in connection with the negative/positive determination in Hirata is an explanation of step 6 in FIG. 2(a), and FIG. 4(a) referred to by the Examiner in connection with the negative/positive determination in Hirata is an explanation of step 8 in FIG. 2(a). Neither of these figures, nor the excerpts of Hirata referred to by the Examiner, reveal how the negative/positive determination is made. For example, it is not disclosed whether the negative/positive determination is made automatically as in original claim 5 or is made manually. Thus, original claim 5 should be allowed.

Amended Claim 7

Claim 7 as amended calls for a control connection, connected to the microprocessor system and the scanner, which is reactive to relative red, green and blue density determinations by the logic module to trigger the scanner to implement a setting of the scanner to treat a film as positive or negative. Hirata does not implement a setting of the scanner to treat a film as positive or negative based on relative red, green and blue density determinations. Thus, amended claim 7 should be allowed.

Amended Claim 14

Claim 14 as amended calls for detecting, automatedly, a characteristic of the film that is indicative of the negative or positive type of the film and for varying, automatedly, scanning of the film to conform to the positive or negative type of the film. Neither of the figures of Hirata, nor the excerpts of Hirata, referred to by the Examiner, reveal how the negative/positive determination is made. For example, it is not disclosed whether the negative/positive determination is made automatedly as in amended claim 14 or is made manually. Thus, amended claim 14 should be allowed.

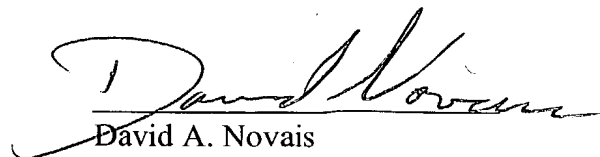
The Dependent Claims

Since the dependent claims further limit features in the claims referenced above, they cannot be anticipated by Hirata at least for the above-provided reasons that the latter claims are not anticipated by Hirata. Thus, the dependent claims should be allowed.

New Claims

New claims 17 and 18 recited features not disclosed in Hirata.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.